

EXHIBIT C

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PARCELS INC

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LNC INVESTMENTS, INC. :
 :
Petitioner, :
 :
v. : Misc. Action No. 01-134-JJF
 :
THE REPUBLIC OF NICARAGUA, :
 :
Respondent. :

MEMORANDUM ORDER

Presently before me is a Motion To Quash The Writ of Attachment filed by Megatel de Nicaragua, LLC (D.I. 56). Petitioner, LNC Investments, Inc. has filed an opposition paper (D.I. 57) and a motion to file a surreply brief (D.I. 65)

I have considered the parties' arguments and conclude that the motion should be granted. The parties know the procedural history of this dispute, and I see no reason to repeat it here. In reaching my decision I have considered the contention by LNC that Megatel has not met its burden to establish certain factual assertions made by Megatel in support of its legal arguments. (D.I. 57 p. 3). However, I have chosen to credit and accept, in the context of the present motion, the sworn declarations of the Nicaraguan representative and Professor Hernandez concerning the risk of double liability faced by Megatel. On this issue, I find that such a risk is present.

LNC has attempted to rebut the evidence offered by Megatel; however, I find the Declaration of J.A. Uribe to be unpersuasive. Specifically, I agree with Megatel's characterization of Mr. Uribe's assertions:

If LNC cannot even find counsel in Nicaragua to enforce its supposed rights against the

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government, why should anyone believe that Megatel will be successful not only obtaining counsel but prevailing before the Nicaraguan courts... (D.I. 66)

In sum, I find that Megatel is exposed to double liability similar to the garnishees in the cases cited by Megatel. See West v. Baker, 510 P.2d 731,733 (Ariz. 1973) and Weitzel v. Weitzel 230 P. 1106 (Ariz. 1924).

NOW THEREFORE, FOR THE REASONS DISCUSSED, IT IS HEREBY ORDERED THAT:

- 1) Megatel's Motion To Quash the Writ of Attachment (D.I. 56) is GRANTED.
- 2) LNC's Motion To File A Surreply Brief (D.I. 65) is GRANTED.

12-18-02
DATE


UNITED STATES DISTRICT JUDGE